



Thomas H. Bienert, Jr., State Bar No. 135311
tbienert@bmkattorneys.com
Kenneth M. Miller, State Bar No. 151874
kmiller@bmkattorneys.com
Anthony R. Bisconti, State Bar No. 269230
tbisconti@bmkattorneys.com
BIENERT, MILLER & KATZMAN, PLC
903 Calle Amanecer, Suite 350
San Clemente, California 92673
Telephone (949) 369-3700
Facsimile (949) 369-3701

Attorneys for James Larkin

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

CV18-6742-RGK(MMAx)

In the Matter of the Seizure of:

Any and all funds held in [REDACTED]
[REDACTED] Account(s) xxxx1889,
xxxx2592, xxxx1938, xxxx2912, and,
xxxx2500.

18-MJ-00722

**JAMES LARKIN'S NOTICE OF
APPLICATION AND APPLICATION TO
FILE UNDER SEAL PURSUANT TO
LOCAL RULE 79-5; [PROPOSED ORDER]**

[Filed concurrently herewith are the following:
*Notice of Motion and Motion to Vacate or
Modify Seizure Warrants; Declarations of
James Larkin, Michael Lacey, John Brunst,
Scott Spear, Margaret Larkin, Troy Larkin,
Ramon Larkin, and Antoinette Thomas; Notice
of Related Cases; Request for Judicial Notice]*

TO ALL PARTIES AND THEIR COUNSEL FO RECORD:

PLEASE TAKE NOTICE that movant James Larkin (“Larkin”) respectfully applies to this Court pursuant to Local Rule 79-5 for an order permitting Larkin to file under seal:

1. The *Notice of Motion and Motion to Vacate or Modify Seizure Warrants* (the “Motion”);
2. The Declarations of James Larkin, Michael Lacey, John Brunst, Scott Spear, Margaret Larkin, Troy Larkin, Ramone Larkin, and Antoinette Thomas (with exhibits);
3. The Request for Judicial Notice and Exhibits 1-35 thereto.

This application is based upon this Notice, the following application, the accompanying Declaration of Anthony R. Bisconti, and the Court’s file in this case. In the event the Court denies this application, Larkin requests that the foregoing documents be returned to Larkin’s undersigned counsel and not filed publicly.

Dated: July 31, 2018

BIENERT, MILLER & KATZMAN, PLC

By: /s/ Thomas H. Bienert

Thomas H. Bienert

Kenneth M. Miller

Anthony R. Bisconti

Attorneys for James Larkin

APPLICATION

Larkin seeks an order permitting him to file the following documents under seal pursuant to Local Civil Rule 79-5:

1. The *Notice of Motion and Motion to Vacate or Modify Seizure Warrants* (the “Motion”);
2. The Declarations of James Larkin, Michael Lacey, John Brunst, Scott Spear, Margaret Larkin, Troy Larkin, Ramone Larkin, and Antoinette Thomas (with exhibits);
3. The Request for Judicial Notice and Exhibits 1-35 thereto.

The foregoing documents consist of memoranda of law, declarations, orders, seizure warrants, and seizure warrant affidavits containing highly sensitive and private information, including but not limited to bank account names, full account numbers, and other financial information that should be protected from disclosure in a public filing. These documents are presented for under seal filing pursuant to Local Civil Rule 79-5.2.1 because this case appears to be under seal. Moreover, in the event this case is unsealed, Larkin requests that the aforementioned documents remain under seal, and Larkin be permitted to publicly file a redacted version of the appropriate documents. *See, e.g., Apple Inc. v. Samsung Electronics Co., Ltd.*, 727 F.3d 1214, 1225 (Fed. Cir. 2013) (affirming parties’ right to keep financial information secret).

Pursuant to Local Civil Rule 79-5, Larkin will manually file the documents with the Clerk and will file a Notice of Manual Filing.

Dated: July 31, 2018

BIENERT, MILLER & KATZMAN, PLC

By: /s/ Thomas H. Bienert

Thomas H. Bienert

Kenneth M. Miller

Anthony R. Bisconti

Attorneys for James Larkin